IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Crl.MC.No. 3453 of 2007()

CC.296/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II(MOBILE),ALAPPUZHA

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PETITIONER/DW5:

M.ABDUL AZEEZ, AGED 47 YEARS,
S/O.PODIKUNJU MUSALIYAR @ MOHAMMED KUNJU,
SANTHI NGAR, HOUSE NO.51,CHANDANATHOPE,
KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR
SRI.K.P.SUJESH KUMAR

RESPONDENTS/STATE:

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1. FRANCIS XAVIER, S/O.LATE THOMAS,
MOONJAPPALLY HOUSE, POWER HOUSE WARD,
ATTUVAZHI,ALAPPUZHA.

2. P.M.CHANDRAN @ CHERIANKUNJU, AGED 50
YEARS, VADASSERI PUTHEN VEEDU, KACHERI JUNCTION,
NEAR POLICE STATION,THIRUVALLA.

3. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3453 of 2007

Dated this the 29th day of November 2007

O R D E R

The petitioner has received summons to appear before the learned Judicial First Class Magistrate Court-II, Alappuzha as the fifth witness on the defence side. The petitioner has not so far entered appearance. The learned Magistrate was moved. The said application was rejected. I am satisfied that in the facts and circumstances of this case the petitioner must appear before the learned Magistrate and offer himself to be examined as a witness as directed by the learned Magistrate. I find absolutely no reason to invoke the powers under Section 482 Cr.P.C. to quash the summons issued against the petitioner. The petitioner is a person residing at Kollam. The summons to him is to appear before the court at Alappuzha. I find no failure of justice resulting from the direction to the petitioner to appear before the learned Magistrate.

2. This Criminal Miscellaneous Case is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007